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LOCAL OPTION AND AFTER.

BY RUSSELL E. MACNAGHTEN.

THERE is a growing demand that the Temperance question shall be solved on sane and rational lines. This feeling is by no means confined to those who have arrogated to themselves the name of the Temperance party. On the contrary, though it is impossible to dogmatize on such a point, it seems reasonable to hold that at least four-fifths of the electors in any English-speaking country would heartily welcome any measure that, without going to extremes, would offer on a rational basis some permanent solution of this vexed question.

The most recent example of a tendency which is world-wide is afforded by the British Isles, where the Licensing Bill of the present Government passed the House of Commons by a very large majority, notwithstanding the vast vested interests which the liquor traffic has accumulated throughout Great Britain. That the House of Lords should have temporarily succeeded in stopping this measure of reform is no disproof of the fact that even when enormous pecuniary interests were at stake a very large majority of the electors voted through their representatives for a measure of reform which (1) set a definite limit to the continuance of vested interests, and (2) positively established the principle of Local Option, as a main factor in future licensing developments. Nor was this measure in any way the result of crude or hasty legislation. On the contrary, every section of the bill was the product of the most careful and mature consideration and had been discussed in every newspaper throughout the length and breadth of the land. Again the principles of "Time Limit" and "Local Option" had for many years been suggested as inseparable concomitants of any scheme of reasonable reform. The whole bill, in fact, represented a wise, deliberate and mature

compromise between all sections of Temperance opinion, Prohibitionist and moderate, lay and clerical. No measure was ever more carefully or dispassionately considered, and under these circumstances the prominence there given to Local Option is a striking testimony to its merits. It is with the object of showing some of the latent possibilities of this great principle that this article is now written. It is curious how little the wide scope of Local Option, or the results which it has already actually accomplished in other parts of the world, are recognized by the general public. To a great extent, especially on the American continent, the true potentialities of Local Option have been obscured and limited by the action of the extreme section of the Temperance party, who have endeavored to convert Local Option into a contrivance for securing under a different name the principle of Prohibition. Unfortunately, the discretion of this class of reformers has not been in proportion to their zeal.

Provided that in any given locality a proportion of the population sufficiently large to insure the enforcement of the law could be found to vote for the total abolition of the saloon, the cause of morality and order would undoubtedly be furthered in such a place. But, as Bacon says, "there is no greater torture than the torture of laws," and there is similarly no more humiliating or degrading spectacle than the open and flagrant violation of a law placed on the statute-book in defiance of a considerable body of public opinion. If Prohibition, then, is to be secured by local option, the goal for which the reformer must strive is "*Prohibition in fact*" and not merely "*Prohibition in name*." For this reason it seems perfectly clear that, except in the case of small towns, the "bare majority" principle which the less enlightened Prohibitionists regard as the ideal is not capable of enforcement and must therefore be rejected. To take a concrete instance, it seems unreasonable to expect that if, in a city containing a hundred thousand persons and one hundred saloons, the principle of local option were introduced, and the closing of all saloons were voted for by a majority of one, it would be possible to enforce such a decision. On the other hand, it is perfectly certain that if a principle to which no reasonable reformer could object, namely, the limitation of saloons to a fixed minimum of the local population were introduced, *actual Prohibition* would *ipso facto* prevail in all rural and semi-rural locali-

ties. Thus no reasonable reformer could cavil at legislation limiting saloons to one for every thousand of the population; and I am personally inclined to believe that there would not be much difficulty in raising the limit to one for every two thousand of the population. Yet by so simple and reasonable a measure actual* Prohibition would be made effective all over the rural districts and in numerous small towns, without the necessity for periodic recourse to a local-option vote. Vast and numerous Prohibitionist areas would thus be established; which in itself would be an enormous aid towards promoting Temperance habits and principles in the more populous urban centres.

But the problem of regulating or abolishing the liquor traffic in large urban centres is a very different and a much more difficult task; and the difficulties of absolute Prohibition increase in direct proportion to the numerical size of the town or city. Admitting the principle that no more than one license should be permitted for every one (or two) thousand of the population, we should probably be confronted with no very serious difficulty in enforcing Prohibition in a town of five thousand inhabitants, even by a bare majority vote, provided there was a real desire at headquarters that the police should enforce the popular mandate. Double the size of the town, and it is almost certain that if the option of a bare majority were in favor of "no license" the sale of alcoholic liquors would not cease, but would merely be replaced by sly grog-shops and other forms of illicit traffic. On this point the evidence accumulated in many lands by Messrs. Rowntree and Sherwell in their monumental work, "The Temperance Problem and Social Reform," seems conclusive. On the other hand, it is equally certain that even in large cities it must be perfectly possible to enforce actual and total Prohibition of the saloon, provided that a sufficiently preponderating number of the electors cast their votes in favor of such a policy, and it is of vital import that we should at least form a tolerably accurate estimate of what that preponderance should be. It is clear, for instance, to take an extreme example, that if ninety per cent. of the electors were determined to enforce Prohibition the saloon would immediately go out of existence; and there seems every reason to think that a far lesser majority would be equally ef-

* By "Prohibition" I mean Prohibition of the licensed saloon or hotel; not necessarily exclusion of the importation of alcoholic liquors.

fective, especially if the principle of option were extended in another direction to which I shall presently refer. If nine men can compel one man of equal strength to refrain from thwarting their purpose, it is really almost equally the case that two can impose their wishes on one, even when the numbers on each side are multiplied to any extent. Again it should be remembered that the principle of a two-thirds majority would not only have a far greater chance of success from mere numerical superiority than a bare majority, but the principle itself is one which many, who would refuse to assent to the bare majority view, would be willing to support, especially if the alternative option of reduction of licenses were always joined to it. It is, indeed, extraordinary that temperance reformers should have been so blind to the possibilities of this form of option. While absolute Prohibition is a drastic remedy, which only commends itself naturally to the more advanced sections of the Temperance party, Reduction is a remedy which must appeal to all bodies of the citizens, irrespective of creed or party, with the single exception of those whose pecuniary interests are directly concerned in the maintenance of the liquor traffic. This principle of Reduction might be introduced in two ways. I have already pointed out the desirability of regulating the number of saloons in proportion to a certain minimum unit of the population. If the very reasonable law were passed that no licenses should be granted in excess of one saloon to every thousand of the population, it is clear that by these means alone there would be a large and automatic reduction without any need of assistance from Local Option. But there is not the least reason why, if the maximum basis of one to a thousand were once established, the people of any particular town or city should not be given at the time of a local-option poll the further option of saying whether they wished for a greater reduction than that necessitated by the general law. Suppose, for instance, that the law which I have been advocating had been passed. A city of 100,000 inhabitants, which before the passing of the law had one hundred and fifty licensed saloons, would immediately possess only one hundred. Why should not the inhabitants (in addition to the right of deciding whether they would have saloons at all) have the further right of reducing the number of saloons to fifty or even to a lesser figure? Such an option would in many cases be far more effective than the method of voting "yes"

or "no" for absolute Prohibition, because it would rally to its support many who might be disinclined to vote for a more drastic alternative.

There is another matter, which, though it does not strictly fall within the scope of Local Option—being, indeed, rather a subject for legislative enactment—yet is so closely allied to it that it may receive passing mention here. Under the absurd and haphazard system under which licenses have been granted in the past, one frequently sees from half a dozen to a dozen licensed houses crowded together within a few hundred yards of each other. Under any properly organized system of licensing such a state of things would be impossible. If it is desirable that licenses should be limited in number to a certain proportion of the population, it is equally desirable that a space limit should be set. If licensed premises were not allowed in closer proximity than a quarter of a mile to each other, much of the temptation to which working-men are so constantly exposed would be at once removed.

Nor are the possibilities of local option or choice by any means confined to the matters I have mentioned. While it is clearly necessary that the Government should fix certain maximum hours for the sale of alcoholic liquors, outside of and beyond which it is illegal for alcohol to be sold even in a licensed house, there is no logical reason why any particular district, supposing it should vote for the continuance of the licensing system, should not have the power of reducing the number of hours during which within its own borders alcoholic liquor might be served in public. Thus the electors of a particular town might reasonably hold that 9 P.M. was a sufficiently late hour for the public sale of alcoholic beverages. If a preponderating majority of the voters held this view, why should they not have the power of enforcing it? Again the same electors might even more reasonably hold that ten o'clock in the morning was at least a sufficiently early hour for the retail sale of alcoholic liquors to commence. Why should they not be able, provided they could secure a preponderating vote at the local polls, to make such a restriction of hours a part of the local licensing law?

The real reason why this and other similar possibilities of local option have been neglected in the past is because the extreme and fanatical section of the Temperance party has endeavored to force its will on the rest of the population. To the extent that one

form of Local Option seemed to lead the way to Prohibition, to that extent they have supported it, but they have confined their efforts entirely to this one side of the subject and have wilfully and deliberately refused to support anything which did not seem to lead directly to their own immediate goal. Indeed, to some extent the extreme Prohibitionists seem to take a morbid delight in raising as much antagonism as possible in the minds of all those who are not prepared to adopt their views in their entirety. A so-called "Local-Option Campaign" has lately been inaugurated in British Columbia. As one who believes in the potentialities of this great principle I attended several of the meetings. I was shocked and grieved to find that the main object of the speakers seemed to be to outrage moderate public opinion to the utmost extent. Persons who were not absolute teetotalers were classed as worse than drunkards, while one of the female orators more than hinted that no one had a right to belong to any of the churches who was not a total abstainer. These speakers, while deplored the ravages caused by intemperance, did not seem to realize that in order to produce any salutary or effective reform it is absolutely necessary that every shade of public opinion that is in any way favorable to the promotion of temperance should be enlisted on their side.

Again to a large extent those who are most eager in promoting Prohibition by means of local option are not persons who have received what is called "a college education." The almost necessary result of this is a biased and prejudiced attitude in regard to any views differing from their own, and a complete ignorance of what has been accomplished in other parts of the world in the direction in which they themselves are endeavoring to proceed. Undoubtedly the most remarkable development of the principle of local choice or option is that which has taken place in Norway. Local Option is the general rule in all towns of any considerable size (the rural districts being generally under absolute Prohibition); but the choice is not between Prohibition and the saloon selling liquor for the maximum profit, but between Prohibition and saloons managed by disinterested companies whose maximum profits are limited to five per cent.

In other words, the Norwegians, while recognizing the merits of the principle of local option, also realized that the radical and supreme curse of the liquor trade was the fact that alcohol was

sold for a maximum profit. By combining the two principles of "Local Choice" and "The Abolition of Private Profit" they have evolved what is in theory the one scientific method of combating the liquor traffic; and when they succeed in their endeavors to apply these principles to the sale of all alcoholic beverages, whether fermented or distilled, instead of as at present to the sale of brandy alone, they will establish a principle of double option which will be almost ideal in character. At present in practically all English-speaking countries local option means the choice between total Prohibition and a system of licensing which is so pernicious in its effects that, though its growth has really been fortuitous, it could not have been worse if all the ingenuity of man had been employed to devise the most vicious scheme that it was possible to produce. The radical and initial mistake has been to treat the saloon or public house as an ordinary shop with a license attached for the sale of its particular wares; and it is from this initial error that all the misery and degradation that are everywhere the inevitable accompaniment of such a system have necessarily sprung. For this state of things it is absurd and illogical to blame the publican or saloon-keeper. Economically, he is merely fulfilling his mission when he pushes the sale of his wares to the utmost extent; and it would be just as unreasonable to blame the proprietor of a boot-store for pushing the sale of boots and shoes as to find fault with the individual publican for adopting the same process in regard to his own particular wares. Every storekeeper is only fulfilling the general and salutary law of trade when he pushes the sale of his own goods; and when once the sale of alcohol was brought under the general rules of retail commerce, it was inevitable that the same result should follow. If it had been recognized at the outset that alcohol was not a fitting subject for ordinary commercial treatment, what an enormous amount of sin and misery would have been saved to the world! And the reason is not far to seek. When the purveyor of ordinary commercial wares, be they boots or any other ordinary mercantile commodity, pushes the sale of his wares, he is not only benefiting himself, but also incidentally his customers, because no man in his senses will buy more boots or the like than are necessary for his reasonable requirements; and even if he did, it would be only his pocket that would suffer. But with the case of alcohol it is very different, because the small-

est amount taken in excess of the most moderate quantity will not only injure the customer himself at the time by incapacitating him for work; but, if the habit be indulged in, will mar his usefulness as a citizen, and in all probability render him an actual burden if not a menace to the community. Moreover, the retailer who, under the present system, is licensed to sell alcoholic wares for private profit not only has all the inducements of any other retail trader to push the sale of his particular wares, but, as he has to pay in return for his license an extra and a fairly severe price for the privilege, he has an extra inducement even beyond other storekeepers to push his own trade. Until, therefore, the element of "private profit" is eliminated from the saloon, it is impossible to expect real or permanent reform. Unfortunately, the average Prohibitionist does not recognize the extreme danger of the present system and is from his very tenets prevented from making any personal or first-hand observation of the situation. It is clearly a flaw in the reformer's position when he is unable to diagnose with accuracy the evils which he is attacking. To a man who has never been inside a saloon, it is almost impossible to convey any idea of the main evil of the present system, or to make him understand to what an extent intemperance is fostered and encouraged by the notion that its customers are bound to keep on drinking "for the good of the house."

On this part of the subject I can speak with some authority. Nearly a quarter of a century ago, it occurred to me that an actual and personal investigation of the public - house system might probably throw considerable light on some of the main causes of intemperance. From a stay of several months in Germany, I knew the German "Guest-house" was a place to which perfectly respectable people of both sexes could and did resort without indulging in excess, and even without partaking of alcoholic beverages at all. I accordingly determined to visit a certain number of English public houses at night, and to keep a record of my impressions and experiences. Altogether I visited nearly fifty public houses in different parts of the country. My method was a very simple one. I took off watch and chain, put on an old coat and, after entering the place of my particular quest smoking a pipe, asked for a newspaper, which I pretended to read while I took mental notes of what was going on. In order to give my experiment a fair trial I never stayed less than half

an hour, and as I had been told that the closing-time on Saturday night was a scene of special orgy, I on one occasion stayed for two hours and a half in a public house at St. Helens, Lancashire, being the last man to quit the premises. During part of my tour I was staying at Toynbee Hall, the University Settlement in East London, and as one or two of the inmates were interested in my experiment I was enabled to visit in their company houses in some of the worst slums of East London, whose reputation was worse than the reality, for we were never molested in any way. My general impressions were recorded in "Macmillan's Magazine" for September, 1885, in an article in which, after briefly narrating some of my experiences, I drew special attention to the need of eliminating the principle of private profit from the retail trade in alcoholic liquors. After a lapse of considerably more than twenty years, I am convinced that this is the one thing essential in dealing with this part of the question. So long as saloons are conducted for private profit, so long will their frequenters be tempted to keep on drinking "for the good of the house," and so long will the owners of these saloons continue to push the sale of their wares to the utmost extent.

Local option can do much in the solution of the temperance problem, but it cannot accomplish everything; and to obtain really effective reform it must be linked to a system of licensing under which private profit shall be completely eliminated. I do not personally think that this particular phase of the question is a matter for local choice; it should rather be settled by direct and decisive legislation. Under the law of 1845—supplemented by the Licensing Acts of 1871-1904—the people of Norway have* Prohibition in the rural districts; while in the towns they have by the Act of 1894 the dual option of (a) Prohibition of the retail trade in spirits or (b) disinterested company management. The Norwegian law does not provide for a reversion to private license; the evils of which have been too conspicuous to permit of any possibility of their repetition. The dual option prevalent in Norway is the system which should be adopted on the American continent, supplemented in each locality by additional options in regard to (a) the reduction of the number of licensed houses, (b) the hours of closing.

* "Prohibition" in Norway does not extend to the wholesale trade, nor does it affect beer or wine; it is concerned with the native spirit.

Under such a scheme of reform as is here proposed, we should have absolute Prohibition in every rural district and in small towns whose population was less than one thousand persons. In towns from one thousand to ten thousand persons we should have the two alternatives of (a) Prohibition and (b) disinterested company management, to be settled by a local vote, in which women as well as men should have the privilege of the franchise. As it is obviously easier to prevent the surreptitious sale of alcohol in a small town than in a large one, I think that in towns of less than ten thousand inhabitants Prohibition might be secured by a sixty-per-cent. or even by a bare majority of those actually recording their votes.

In towns and cities above ten thousand, Prohibition should only be carried by a two-thirds majority; but a bare majority should be sufficient to bring about either a reduction in the number of licensed houses below the statutory limit of one to every thousand of the population or to reduce the hours during which the sale of alcohol was permitted.

It remains to consider what should be the character and management of such licensed houses as might be permitted under such a system of local options as has been here suggested.

In the first place, I would urge as the prime necessity of reform that the bar should be completely and irrevocably abolished. Nothing struck me so much during the course of my inspection of the English public house as the insidious and pernicious influence of the bar. The bar is really nothing else than the counter of the ordinary store, and it is used for precisely the same purpose, namely, to push the sale of the particular wares which the publican has for sale. That the bar at least doubles the number of sales I have no manner of doubt, and this is indeed the sole reason of its existence. A good deal was said during the recent discussions on the English Licensing Bill about barmaids, and a vigorous effort was made by a certain class of reformers to make their presence in public houses illegal. That barmaids are stationed behind the bar for precisely the same reason as the existence of the bar itself is undoubtedly the case; but if the bar itself were abolished the same result would be accomplished. And I am personally inclined to believe that the presence of waitresses in a licensed house from which the element of private profit was eliminated would tend to sobriety rather than intemperance. But

as regards the bar itself, I have not the slightest doubt that it is the most objectionable feature in an objectionable system, and its disappearance is absolutely necessary to any scheme of rational reform.

In the next place, I am decidedly of the opinion that the prevalent idea that it is conducive to temperance to compel the holder of a license to provide a certain amount of sleeping accommodation is wholly mistaken. As a matter of fact, the persons who make use of the sleeping accommodation and those who frequent the bar are not necessarily or generally the same. I was much struck by this fact during a tour which I made from Montreal in the spring of 1906 to Saskatchewan and Alberta. The boarding accommodation at the majority of the hotels was extremely reasonable in price, and had it not been for the adjunct of the bar-rooms could hardly have recouped the proprietors. These bar-rooms, however, did a roaring trade, not amongst the boarders, but practically almost entirely with the local inhabitants. The net result of such a system is really this: that the licensee is virtually compelled to recoup himself for any deficit incurred in providing boarding and sleeping accommodation by pushing the sale of alcohol in the bar to the utmost possible extent. That he is blameworthy under the circumstances I cannot see; he is merely pursuing a course which is the logical effect of the law. It is the law which is to blame.

Of equal importance with the abolition of the bar is the removal of any incentive to private profit. The methods employed in the Scandinavian peninsula in regard to the sale of spirits should be adopted in every licensed house in regard to the sale of all intoxicating liquors, whether fermented or distilled. To the extent that the Gothenburg system has been a failure, it has been so because it has only been partially and imperfectly applied; but, while some of its details are not worthy of imitation, these are certain features which should certainly be utilized to the fullest extent. There are grave objections, especially on this continent, to any system of direct Government or municipal control. Under the semi-municipal company, with profits limited to a maximum of five per cent., experience has shown in Sweden, Norway and England that it is possible to get men of high character and civic ability to serve on the board of directors; while if the profits of the shareholders be limited to a maximum of

five per cent. there is no incentive to push the sale of alcohol. Indeed, with profits so limited, it is not always easy to secure the necessary capital, because the net result is that it is practically only those who are philanthropically inclined who are willing to contribute where the profits are limited to a low percentage, while there is always the possibility of no return whatsoever. To further safeguard the licensed house from being exploited for the sake of private gain, it is essential that the employees, in addition to their salaries, should receive a liberal commission on the sale of food and non-intoxicating beverages, but no commission whatsoever on the sale of alcohol, whether distilled or fermented. The adoption of this simple yet admirable device is imperative in any scheme of scientific reform. It immediately becomes the active interest of every employee to curtail to the utmost extent the sale of alcohol, for the simple reason that every glass of alcohol sold is a waste of time so far as their own pockets are concerned, while the more food and non-alcoholic beverages which they can sell the larger will their own incomes be.

The question of the distribution of surplus profits—namely, those which may accrue after the maximum of five per cent. has been divided amongst the shareholders—is a very serious one, and one where it is of the utmost importance to draw experience from the errors committed elsewhere. At Gothenburg itself a grievous initial mistake was made. A large portion of the surplus profits was devoted to objects which might legitimately have received support from the rates, and to this extent therefore the system, as originally conducted at Gothenburg, might not unreasonably seem to have a direct interest in the increase of the liquor traffic. The difference in this direction between the Gothenburg and Norwegian systems is well put in the recent “Report on the Liquor Licensing Laws of Norway” issued by the Scottish Temperance Legislation Board:

“The most important difference between the Gothenburg and Norwegian systems lies in their respective provisions for the distribution of the surplus profits of the companies. Under the Swedish system, private profit is supplanted by a very direct form of public profit, the *Bolag surpluses* being used to reduce the public burden of the rates, and therefore the towns of Sweden have a very tangible interest in the liquor traffic, whereas that interest is entirely absent from the municipal polities of Norway, and the purity of Norwegian municipal life is safeguarded against one of the most insidious and deadly kinds of attack.”

At present, excepting for those who might prefer that some arrangement be made for the redemption of share capital out of the surplus profits, this method of distribution seems practically ideal. The state receives sixty-five per cent. of the surplus net profits; the municipality (in lieu of larger license duties now abolished), fifteen per cent.; while the remaining twenty per cent. are devoted to objects of public utility, not chargeable on any rates, but operating as counter-attractions to the public house. I must confess, however, that I am personally attracted by the possibility of converting the company system into a purely public trust by utilizing annually a fixed proportion of the surplus profits to that end. Why, for instance, should not the surplus profits be partly utilized in redeeming the share capital annually at par? An example will serve to explain my meaning. Suppose in some town of 12,000 inhabitants who decided, after a local-option poll, to license a restricted number of houses a company were formed with a capital of \$50,000 and with shareholders' profits limited to five per cent. Suppose, again, that the total average annual profits were fifteen per cent. In such a case it would be clearly possible to redeem the whole of the original share capital in the space of ten years; so that at the end of that period the town would possess in its licensed system an independent public trust in which no private citizen would have one cent of pecuniary interest.

In conclusion, brief consideration may be given to details of site and internal economy. It is of the utmost importance that no licensed houses shall be placed in alleys or by-streets. On the contrary, the location should in every case be such that the public can be aware of any infringement of the licensing law. At the same time, it is equally desirable that nothing should be done to advertise the licensed house. I was much struck with this feature of the Swedish system when I visited Gothenburg. We reached the harbor before noon, and during the afternoon I walked about the city endeavoring to discover some of the licensed houses belonging to the system which I had come to inspect. I spent two hours walking all over the main streets of the city, and at the end of that time had come to the conclusion that the Gothenburg system did not exist! It was not till I called on some of the directors on the following day that I discovered where my error lay. I had passed several of the houses belonging

to the company in my walk, but, though they nearly all had corner situations, there was nothing whatever in their outside appearance to indicate that they were places of alcoholic refreshment. I have since noticed that other visitors to Gothenburg have been struck by the same fact; and this marked absence of any endeavor to advertise their houses is certainly a most commendable feature of this system. Again, it is extremely desirable that great attention should be paid to providing a proper system of ventilation. There is nothing which more encourages excessive drinking than a poisoned and unventilated atmosphere, and in this particular I have found nearly all public houses to be extremely deficient, partly, no doubt, from carelessness or ignorance, but partly, it is to be feared, from a knowledge that proper ventilation would seriously affect the sales at the bar. The "tobin" principle, by which a circular pipe is admitted from the outside, is so simple, economical and effective that there is really no excuse for such a constant violation of sanitary principles in the ordinary licensed house.

And now let me briefly sum up the main points of my article. I have endeavored to show that the true solution of the Temperance question lies in Local Option combined with a licensing system of disinterested management; and that in no case should the unit of one licensed house for every thousand of the population be exceeded. Local option should for this purpose embrace the power of deciding, by a substantial majority, the simple question of "License or no License"; while a bare majority should have the further power of reducing the number of licensed houses and also reducing the daily period of hours during which alcohol could be legitimately sold.

Disinterested management should combine the principles of a company (*a*) limiting its shareholders' profits to five per cent. and (*b*) giving to its employees, in addition to their salary, a liberal commission on the sale of food and non-intoxicants. The bar should be absolutely abolished, and the surplus profits be so disposed of as to remove from the municipality or city any motive for encouraging the traffic in alcoholic liquors. If genuine Prohibition is ever to be attained, I submit that it is by proceeding on the lines of least resistance that such a reform can most effectively and speedily be accomplished.

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